

1 Sara B. Allman, Esq., CSB #107932  
2 Steven A. Nielsen, Esq., CSB #133864  
■ ALLMAN & NIELSEN ■  
A Professional Corporation  
3 100 Larkspur Landing Circle, Suite 212  
4 Larkspur, CA 94939  
Telephone: (415) 461-2700  
5 Facsimile: (415) 461-2726

6 Attorneys for Defendant  
THOMAS J. TOMANEK

7 IN THE UNITED STATES DISTRICT COURT  
8  
9 NORTHERN DISTRICT OF CALIFORNIA

10 EDITH MACIAS, individually and on behalf  
11 of similarly situated individuals; HOTON  
DURAN; TIFFANY HUYNH; AURA  
12 MENDIETA; WILLIAM LABOY; MIGUEL  
ACOSTA; CRUZ ACOSTA; CUAUHTEMOC  
13 TORAL; and TERESA VILLEGAS, KAPIKA  
SALAMBUE and MARINA DURAN

Case No.: C07 3437 JSW

14  
15 Plaintiffs,  
vs.  
16 THOMAS J. TOMANEK; and MARK  
17 GARIBALDI, individually and doing business  
as THE GARIBALDI COMPANY,  
18  
19 Defendants.

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**DECLARATION OF MATTHEW F.  
QUINT IN SUPPORT OF MOTION TO BE  
DECLARED PREVAILING PARTY AND  
FOR AN AWARD OF ATTORNEY'S FEES  
AND COSTS**

DATE: March 14, 2008  
TIME: 9:00 A.M.  
COURTROOM: 2, 17<sup>th</sup> Floor  
JUDGE: Hon. Jeffrey S. White

Date Action Filed: June 29, 2007

1 I, Matthew F. Quint, declare as follows:

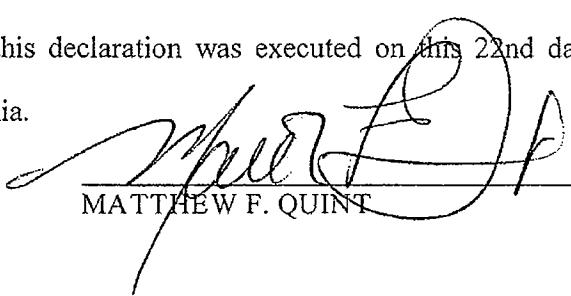
2 1. I am an attorney at law, duly licensed to practice before all the courts of this  
 3 state, and am a partner in WILSON & QUINT LLP, personal litigation counsel for  
 4 defendant THOMAS J. TOMANEK (hereinafter "defendant") herein. The following facts  
 5 are within my personal knowledge and, if sworn to testify, I would testify competently  
 6 thereto.

7 2. I am a graduate of Harvard Law School, a civil litigation attorney with over  
 8 35 years of experience in state and federal court in the Bay Area, and am AV-rated by  
 9 Martindale Hubbel.

10 3. The attorney's fees incurred to date by Wilson & Quint in representing the  
 11 interests of defendant THOMAS J. TOMANEK in connection with the claims raised in the  
 12 pending action total \$15,600. Attached as Exhibit "A" is a true and correct copy of the  
 13 Wilson & Quint billing ledger on this matter, with all entries and charges not directly related  
 14 to defense of the underlying action redacted and deleted. The fees were billed at my  
 15 customary hourly rate. The charges are reasonable and were necessarily incurred in the  
 16 representation of moving defendant relative to defense of the action.

17

18 I declare under penalty of perjury under the laws of the State of California that the  
 19 foregoing is true and correct and that this declaration was executed on this 22nd day of  
 20 January, 2008, in San Francisco, California.

21   
 22 MATTHEW F. QUINT

23

24

25

## PROOF OF SERVICE

I am a citizen of the United States and employed in Marin County, California. I am over the age of eighteen years and not a party to the within action. My business address is 100 Larkspur Landing Circle, Suite 212, Larkspur, California 94939-1743.

On this date I served the foregoing documents described as:

**DECLARATION OF MATTHEW F. QUINT IN SUPPORT OF MOTION TO BE  
DECLARED PREVAILING PARTY AND FOR AN AWARD OF ATTORNEY'S FEES  
AND COSTS**

on the interested parties in the action by placing [] the original [X] a true copy thereof, enclosed in a sealed envelope addressed as follows:

Christopher Brancart  
Elizabeth Brancart  
BRANCART & BRANCART  
PO Box 686  
Pescadero, CA 94060

Attorney for Plaintiffs EDITH MACIAS, individually and on behalf of similarly situated individuals; HOTON DURAN; TIFFANY HUYNH; AURA MENDIETA; WILLIAM LABOY; MIGUEL ACOSTA; CRUZ ACOSTA; CUAUHTEMOC TORAL; and TERESA VILLEGAS

John S. Blackman  
Farbstein & Blackman  
411 Borel Ave #425  
San Mateo, CA 94402-3518

Attorneys for Defendant  
MARK GARIBALDI, individually and  
doing business as THE GARIBALDI  
COMPANY

BY MAIL: I deposited such envelope with postage thereon fully prepaid in the United States Postal Service mailbox at Larkspur, California.

BY PERSONAL SERVICE: I delivered such envelope by hand to the addressee.

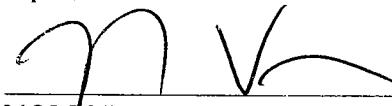
[ ] BY FACSIMILE: I sent such document via facsimile to the facsimile machine of the addressee.

[ ] BY EXPRESS MAIL: I deposited such envelope in a mailbox regularly maintained by the United States Postal Service for receipt of Express Mail postage paid to be delivered by Express Mail for overnight courier service to the addressee.

[ ] BY OVERNIGHT DELIVERY: I deposited the envelope, in an envelope designated by the express service carrier, with delivery fees provided for, in a box regularly maintained by the express service carrier for overnight delivery.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

1 Executed on January 22, 2008, at Larkspur, California.  
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NOLI VILLA

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## Selection Criteria

Clie.Selection  
Acti.Selection  
Include: Tomanek: Macias  
Include: [REDACTED] Amendment; Client Dvlp; Closing;  
Conference; Correspondence; Court; Deposition; Draft; Education; File Review; Hearing;  
Interview; Lease; Legal Research; Meeting; Opinion; Paralegal; Phone Opp Atty; Phone  
client; Prep Pleadings; Preparation; Research; Review; Telephone call to client(s); attorney

Rate Info - identifies rate source and level

Slip ID Dates and Time Posting Status Description	Attorney Activity Client Reference	Units DNB Time Est. Time Variance	Rate Info Bill Status	Slip Value
<u>Client: 2275.01</u>				
13191 7/17/2007 Billed	TIME attorney G:11549 Telephone conference with Messrs. Holsman and Voorsanger.	Matt F. Quint 0.20 0.00 0.00 0.00	400.00 C@1	80.00
13194 7/18/2007 Billed	TIME attorney G:11549 Review complaint; research re RICO claims; research re B&P Code section 17200 claims; initial conference with client and Messrs. Holsman and Voorsanger; prepare engagement letter; e-mail to client.	Matt F. Quint 2.50 0.00 0.00 0.00	400.00 C@1	1000.00
13195 7/19/2007 Billed	TIME attorney G:11549 Telephone conference with Mr. Holsman; telephone conference with Mr. Clochon of Mr. Hansen's office.	Matt F. Quint 0.60 0.00 0.00 0.00	400.00 C@1	240.00
13205 7/20/2007 Billed	TIME attorney G:11549 [REDACTED]	Matt F. Quint 0.00 0.00 0.00	400.00 C@1	[REDACTED]
13206 7/23/2007 Billed	TIME attorney G:11549 [REDACTED]	Matt F. Quint 0.00 0.00 0.00	400.00 C@1	[REDACTED]

Exhibit "A"

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Slip ID Dates and Time Posting Status Description	Attorney Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
13313 TIME 7/25/2007 Billed G:11549 8/7/2007 Tomanek: Macias Begin review of client documents and files.	Matt F. Quint attorney Tomanek: Macias	0.70 0.00 0.00 0.00	400.00 C@1	280.00
13314 TIME 7/26/2007 Billed G:11549 8/7/2007 Tomanek: Macias Complete review of tenant files; telephone conference with Ms. Allman; e-mails to and from Ms. Allman; telephone conference with Mr. Holsman; letter to Ms. Allman; telephone conference with Mr. Ciochon and Ms. Allman.	Matt F. Quint attorney Tomanek: Macias	2.00 0.00 0.00 0.00	400.00 C@1	800.00
13216 TIME 7/27/2007 Billed G:11549 8/7/2007 Tomanek: Macias Telephone conference with Mr. Ciochon; letter to Mr. O'Dwyer; e-mail to Ms. Allman.	Matt F. Quint attorney Tomanek: Macias	0.60 0.00 0.00 0.00	400.00 C@1	240.00
13221 TIME 7/30/2007 Billed G:11549 8/7/2007 Tomanek: Macias Telephone conference with Mr. Holsman; e-mail from Ms. Allman; e-mail to Ms. Allman; telephone conference with Robbie Gonzales; e-mail to Mr. Gonzales.	Matt F. Quint attorney Tomanek: Macias	0.50 0.00 0.00 0.00	400.00 C@1	200.00
13224 TIME 7/31/2007 Billed G:11549 8/7/2007 Tomanek: Macias E-mails to and from Mr. Ciochon and Ms. Allman; letter from Ms. Allman; letter from Mr. Ciochon.	Matt F. Quint attorney Tomanek: Macias	0.30 0.00 0.00 0.00	400.00 C@1	120.00
13521 TIME 8/1/2007 Billed G:11567 9/10/2007 Tomanek: Macias Review correspondence from Ms. Allman; letter to Ms. Allman; [REDACTED]	Matt F. Quint attorney Tomanek: Macias	0.50 0.00 0.00 0.00	400.00 C@1	\$ 200 [REDACTED]
13524 TIME 8/10/2007 Billed G:11567 9/10/2007 Tomanek: Macias Telephone conference with Mr. Ciochon; telephone conference with Ms. Allman.	Matt F. Quint attorney Tomanek: Macias	0.60 0.00 0.00 0.00	400.00 C@1	240.00
13525 TIME 8/13/2007 Billed G:11567 9/10/2007 Tomanek: Macias Telephone conference with Ms. Allman;	Matt F. Quint attorney Tomanek: Macias	1.30 0.00 0.00 0.00	400.00 C@1	520.00

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Slip ID Dates and Time Posting Status Description	Attorney Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
telephone conference with Mr. and Ms. Brancart and Ms. Allman; telephone conference with Ms. Allman and Mr. Ciochon; telephone conference with Mr. Ciochon.				
13559 TIME 8/22/2007 Billed G:11567 9/10/2007 Tomanek: Macias Review e-mails to and from Mr. Ciochon and Ms. Allman; telephone conference with Mr. Ciochon.	Matt F. Quint attorney	0.50 0.00 0.00 0.00	400.00 C@1	200.00
13556 TIME 8/23/2007 Billed G:11567 9/10/2007 Tomanek: Macias Numerous e-mails and telephone conference to and from Messrs. Blackman and Ciochon and Ms. Allman.	Matt F. Quint attorney	2.00 0.00 0.00 0.00	400.00 C@1	800.00
13551 TIME 8/27/2007 Billed G:11567 9/10/2007 Tomanek: Macias Telephone conference with Mr. Holsman; review RICO case authorities; e-mails among co-counsel.	Matt F. Quint attorney	1.00 0.00 0.00 0.00	400.00 C@1	400.00
13713 TIME 9/4/2007 Billed G:11578 10/5/2007 Tomanek: Macias E-mails to and from counsel.	Matt F. Quint attorney	0.30 0.00 0.00 0.00	400.00 C@1	120.00
13717 TIME 9/6/2007 Billed G:11578 10/5/2007 Tomanek: Macias Review legal authorities and cases on RICO issues; telephone conference with Messrs. Blackman, Ciochon and Ms. Allman; telephone conference with Ms. Allman; [REDACTED]	Matt F. Quint attorney	2.00 0.00 0.00 0.00	400.00 C@1	800.00 \$680.00
13720 TIME 9/10/2007 Billed G:11578 10/5/2007 Tomanek: Macias Telephone conference with Mr. Holsman; e-mail among co-counsel; review draft motion to dismiss RICO claims.	Matt F. Quint attorney	1.50 0.00 0.00 0.00	400.00 C@1	600.00
13722 TIME 9/11/2007 Billed G:11578 10/5/2007 Tomanek: Macias Further review of draft brief; e-mail to co-counsel re suggested modifications to brief.	Matt F. Quint attorney	0.70 0.00 0.00 0.00	400.00 C@1	280.00

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Slip ID Dates and Time Posting Status Description	TIME 9/12/2007 Billed G:11578 Telephone conference with Messrs. Ciochon and Blackman and Ms. Allman; telephone conference with Mr. Holsman; telephone conference with Ms. Allman; review pleadings in [REDACTED]	Attorney Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
136723		Matt F. Quint attorney	1.00 0.00	400.00 C@1	400.00
		10/5/2007 Tomanek: Macias			
13678	TIME 9/13/2007 Billed G:11578 Review and revise Tomanek motion to dismiss; telephone conference with Ms. Allman; e-mails to and from co-counsel.	Matt F. Quint attorney	1.00 0.00	400.00 C@1	400.00
		10/5/2007 Tomanek: Macias			
13677	TIME 9/14/2007 Billed G:11578 Continue review of Tomanek brief and Garibaldi brief re motion to dismiss; E-mails to and from Ms. Allman; telephone conference with Mr. Holsman.	Matt F. Quint attorney	0.70 0.00	400.00 C@1	280.00
		10/5/2007 Tomanek: Macias			
13670	TIME 9/17/2007 Billed G:11578 [REDACTED] [REDACTED] review motions filed on Friday; e-mails to/from counsel.	Matt F. Quint attorney	1.50 0.00 0.00 0.00	400.00 C@1	600.00
		10/5/2007 Tomanek: Macias			
13669	TIME 9/18/2007 Billed G:11578 Telephone conference with Mr. Ciochon; [REDACTED]	Matt F. Quint attorney	1.00 0.00	400.00 C@1	400.00
		10/5/2007 Tomanek: Macias			
13685	TIME 9/19/2007 Billed G:11578 Telephone conference with Mr. Holsman; telephone conference with Messrs. Ciochon and Blackman and Ms. Allman; conference with Mr. Holsman, Mr. Tomanek, Mr. Gonzales, Ms. Tomanek and Ms. Allman.	Matt F. Quint attorney	2.40 0.00 0.00 0.00	400.00 C@1	960.00
		10/5/2007 Tomanek: Macias			
13695	TIME 9/24/2007 Billed G:11578 [REDACTED]	Matt F. Quint attorney	0.00 0.00 0.00	400.00 C@1	[REDACTED]
		10/5/2007 Tomanek: Macias			

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Slip ID Dates and Time Posting Status Description	Attorney Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
13698 9/25/2007 Billed Telephone conference with Mr. Holsman; e-mail from Mr. Ciochon re [REDACTED] class action litigation; [REDACTED]	Matt F. Quint attorney Tomanek: Macias	70 1.60 0.00 0.00 0.00	400.00 C@1	\$ 280.00 -600.00
13708 9/26/2007 Billed Telephone conference with Messrs. Ciochon, Blackman and Ms. Allman.	Matt F. Quint attorney Tomanek: Macias	0.00 0.00 0.00	C@1	[REDACTED]
13704 9/27/2007 Billed Telephone conference with Mr. Brancart and first amended class action complaint; [REDACTED]	Matt F. Quint attorney Tomanek: Macias	0.40 0.00 0.00 0.00	400.00 C@1	160.00
13783 10/1/2007 Billed Review correspondence from Mr. Brancart and first amended class action complaint; [REDACTED] telephone conference with Mr. Ciochon re [REDACTED] issues and [REDACTED] judgment.	Matt F. Quint attorney Tomanek: Macias	1.00 1.60 0.00 0.00 0.00	400.00 C@1	\$ 400 -640.00
13786 10/2/2007 Billed E-mails to and from Ms. Allman; letter to Mr. Martin; analyze first amended complaint.	Matt F. Quint attorney Tomanek: Macias	1.40 0.00 0.00 0.00	400.00 C@1	560.00
13787 10/3/2007 Billed Telephone conference with Messrs. Blackman, Ciochon and Ms. Allman re new amended complaint, motions to dismiss and [REDACTED] [REDACTED] e-mail to and from Mr. Ciochon.	Matt F. Quint attorney Tomanek: Macias	0.90 0.00 0.00 0.00	400.00 C@1	360.00
13809 10/11/2007 Billed E-mail from Mr. Ciochon; extended telephone conference with Messrs. Ciochon and Blackman and Ms. Allman re RICO motion and settlement	Matt F. Quint attorney Tomanek: Macias	1.40 0.00 0.00 0.00	400.00 C@1	560.00

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Slip ID Dates and Time Posting Status Description	Attorney Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
issues.				
13804 TIME 10/12/2007 Billed G:11591 11/30/2007 Research re [REDACTED] draft proposed form [REDACTED] for use by defendants; [REDACTED]	Matt F. Quint attorney Tomanek: Macias	1.00 1.80 0.00 0.00 0.00 0.00	400.00 C@1	400.00 .720.00
13797 TIME 10/15/2007 Billed G:11591 11/30/2007 Review, comment on, and revise draft motion to dismiss first amended complaint; e-mails to and from Mr. Ciochon.	Matt F. Quint attorney Tomanek: Macias	1.00 0.00 0.00 0.00	400.00 C@1	400.00
13799 TIME 10/16/2007 Billed G:11591 11/30/2007 E-mails to and from co-counsel regarding pros and cons of settlement; [REDACTED] at this time; telephone conference with Messrs. Ciochon and Blackman and Ms. Allman; review plaintiff files for Mr. Salambue and Ms. Duran.	Matt F. Quint attorney Tomanek: Macias	2.00 0.00 0.00 0.00	400.00 C@1	800.00
13768 TIME 10/19/2007 Billed G:11591 11/30/2007 Review and analyze [REDACTED] for Rancho Luna and Rancho Sol 2004-2006; e-mail to Mr. Ciochon re [REDACTED] extended telephone conference with; e-mail from Mr. Ciochon; e-mail to client; review Garibaldi motion to dismiss.	Matt F. Quint attorney Tomanek: Macias	2.20 0.00 0.00 0.00	400.00 C@1	880.00
13767 TIME 10/22/2007 Billed G:11591 11/30/2007 Telephone conference with Mr. Holsman.	Matt F. Quint attorney Tomanek: Macias	0.30 0.00 0.00 0.00	400.00 C@1	120.00
13760 TIME 10/23/2007 Billed G:11591 11/30/2007 E-mail to/from co-counsel.	Matt F. Quint attorney Tomanek: Macias	0.20 0.00 0.00 0.00	400.00 C@1	80.00
13772 TIME 10/29/2007 Billed G:11591 [REDACTED] [REDACTED]	Matt F. Quint attorney Tomanek: Macias	0.00 0.00 0.00	400.00 C@1	[REDACTED]

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Slip ID			Attorney	Units	Rate	Slip Value
Dates and Time			Activity	DNB Time	Rate Info	
Posting Status			Client	Est. Time	Bill Status	
Description			Reference	Variance		
13773	TIME		Matt F. Quint attorney	0.00	400.00	
10/30/2007				0.00	C@1	
Billed	G:11591	11/30/2007	Tomanek: Macias	0.00		
				0.00		
13776	TIME		Matt F. Quint attorney	0.00	400.00	
10/31/2007				0.00	C@1	
Billed	G:11591	11/30/2007	Tomanek: Macias	0.00		
				0.00		
13876	TIME		Matt F. Quint attorney	0.00	400.00	
11/2/2007				0.00	C@1	
Billed	G:11603	1/8/2008	Tomanek: Macias	0.00		
				0.00		
13878	TIME		Matt F. Quint attorney	1.20	400.00	480.00
11/19/2007				0.00	C@1	
Billed	G:11603	1/8/2008	Tomanek: Macias	0.00		
Review opposition to motion to dismiss; telephone conference with Mr. Ciochon; e-mails to and from counsel; letter to client.				0.00		
13890	TIME		Matt F. Quint attorney	1.00	400.00	400.00
11/26/2007				0.00	C@1	
Billed	G:11603	1/8/2008	Tomanek: Macias	0.00		
Review Garibaldi and Tomanek reply briefs; e-mails to and from Ms. Allman and Mr. Ciochon.				0.00		
13872	TIME		Matt F. Quint attorney	0.20	400.00	80.00
11/28/2007				0.00	C@1	
Billed	G:11603	1/8/2008	Tomanek: Macias	0.00		
Final review of reply brief; letter to client.				0.00		
13869	TIME		Matt F. Quint attorney	0.00	400.00	
11/29/2007				0.00	C@1	
Billed	G:11603	1/8/2008	Tomanek: Macias	0.00		
				0.00		
14046	TIME		Matt F. Quint attorney	0.30	400.00	120.00
12/11/2007				0.00	C@1	
Billed	G:11603	1/8/2008	Tomanek: Macias	0.00		
E-mails to and among co-counsel.				0.00		

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Slip ID	Attorney	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Client	Est. Time	Bill Status	
Description	Reference	Variance		
14053 TIME 12/14/2007 Billed G:11603 E-mails to and from co-counsel.	Matt F. Quint attorney 1/8/2008 Tomanek: Macias	0.20 0.00 0.00 0.00	400.00 C@1	80.00

Total: Thomas J. Tomanek

Billable	49.90	19960.00
Unbillable	0.00	0.00
Total	49.90	19960.00

Total: 2275.01

Billable	49.90	19960.00
Unbillable	0.00	0.00
Total	49.90	19960.00

Grand Total

Billable	49.90	19960.00
Unbillable	0.00	0.00
Total	49.90	19960.00

39.00

# 15,600.00